

December 17, 2015

To: Laura Barhydt, U.S. Department of Energy

From: Amy Shepherd, General Counsel, AHRI

Re: Ex Parte Communication on Department of Energy Enforcement Policy Statement for Consumer Water Heaters and Certain Commercial Water Heating Equipment dated October 2, 2015, and Proposed Rulemaking Establishing a Mathematical Conversion Factor for Consumer Water Heaters and Certain Commercial Water Heaters

On December 1, 2015, AHRI staff and water heater manufacturer representatives met with representatives from the Department of Energy (DOE) to discuss the enforcement policy statement issued on October 2, 2015, regarding consumer water heaters and certain commercial water heating equipment, (Enforcement Guidance),¹ as well as the proposed conversion factor rulemaking for residential water heaters. The meeting was held at DOE offices in Washington, DC. A list of attendees is provided below.

At the meeting, the group discussed issues pertaining to the Enforcement Guidance and proposed rulemaking, including testing and reporting requirements for manufacturers, with Laura Barhydt and David Case of DOE. These issues included:

- DOE's intent to enforce the existing efficiency standard levels for interim basic models.
- DOE's expectation that all interim basic models will be tested using the UEF test procedure.
- The necessity of conducting EF testing to determine information necessary for compliance with the FTC labeling requirements.
- Certification of Interim Basic Models.
- The grandfathering of units under 42 U.S.C. § 6295(e)(5)(K) in harmony with § 6295(e)(5)(E)(iii).
- Discussion of DOE's reference in the Guidance to UEF testing of interim basic models upon publication of the conversion factor final rule, vs. the effective date of the final rule, given DOE's position that the conversion factor is inapplicable to interim basic models.

Attending in person

¹ 80 Fed. Reg. 20116 (April 14, 2015)

- Charlie Adams, A.O. Smith
- Bruce Carnevale, Bradford White
- Brian Cothroll, A.O. Smith
- Misty Guard, Bradley Corporation (Keltech, Inc)
- Adam Olsen, representing Bradford White
- Karen Myers, Rheem
- Eric Truskoski, Bradford White
- Meredith Tunick, Bosch
- Frank Stanonik, AHRI
- Amy Shepherd, AHRI
- Guido Zucconi, AHRI
- Laura Barhydt, DOE
- David Case, DOE

Attending via phone

- Paul Hikspoors, Giant Usines
- Mike Hubbard, PVI
- Dan Snyder, A.O. Smith
- Dave Berning, A.O. Smith
- Kevin Perotin, Navien
- Jeff Mills, Bosch
- James York, Rinnai
- Mike Steinhafel, Bock
- Kelley Kline, GE
- Marc Neufcourt, AHRI
- Helen Davis, AHRI
- Caroline Davidson-Hood, AHRI

Respectfully submitted,



Amy Shepherd
General Counsel
Air-Conditioning, Heating, and Refrigeration Institute